

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference IGT1P408WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2008/073599	International filing date (<i>day/month/year</i>) 19 August 2008 (19.08.2008)	Priority date (<i>day/month/year</i>) 23 August 2007 (23.08.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant IGT		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 24 February 2010 (24.02.2010)
Facsimile No. +41 22 338 82 70	Authorized officer <div style="text-align: center; font-weight: bold;">Dorothee Mülhausen</div> e-mail: pt01.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2008/073599

International filing date (day/month/year)
19.08.2008

Priority date (day/month/year)
23.08.2007

International Patent Classification (IPC) or both national classification and IPC
INV. G07F17/32 G06K9/00

Applicant
IGT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Mennerun, Steeve

Telephone No. +49 89 2399-7208



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2008/073599

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2008/073599

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	<u>1-36</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-36</u>
Industrial applicability (IA)	Yes: Claims	<u>1-36</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1). Prior Art

Reference is made to the following documents:

D1: US 2006/258427 A1 (ROWE RICHARD E [US] ET AL) 16 November 2006

D2: BAZAKOS M E ET AL: "Fast access control technology solutions (FACTS)" PROCEEDINGS. IEEE CONFERENCE ON ADVANCED VIDEO AND SIGNAL BASED SURVEILLANCE, 2005. COMO, ITALY SEPT. 15-16, 2005, PISCATAWAY, NJ, USA, IEEE, 15 September 2005 (2005-09-15), pages 312-317, XP010881194 ISBN: 978-0-7803-9385-1

D3: DOWDALL-I PAVLIDIS-G BEBIS J: "A face detection method based on multi-band feature extraction in the near-IR spectrum" 14 December 2001 (2001-12-14), PROCEEDINGS IEEE WORKSHOP ON COMPUTER VISION BEYOND THE VISIBLESPECTRUM: METHODS AND APPLICATIONS, XX, XX, XP002369556

2). Clarity - Multiple independent claims

The multiplicity of definitions of the invention given in independent claims **1,20** is contrary to the requirements of Article 6 PCT. For the sake of clarity, the present application may contain more than one independent claim in the same category only if the subject-matter of the application involves (a) a plurality of inter-related products (such as a plug and a socket), (b) different uses of a product, or (c) alternative solutions to a particular problem which cannot be covered by a single claim. None of these apply in the present case.

Moreover, the claim set should be formulated concisely. Further, a diversity of wording for defining one and the same invention should be avoided in order not to render the claims inconsistent with each other and thus unclear.

Consequently, in the present case, it is appropriate to use only one independent claim per category.

3). Novelty

D1 proposes a system meant to track individual within the premises of casinos. The system of D1 is based on cameras connected to a distributed computer system as shown in Figures 2 and 3, as well as in claim 1.

Not only is the technical skeleton underlying the subject matter of claim 1 not novel, it also clearly appears that the ways it is programmed (unspecific rule set of events leading to an undefined categorization of patrons in a database) is fully anticipated by the teaching of D1.

Therefore claim 1 lacks novelty under Article 33(2) PCT.

4). Inventive step

Having regards to the present application in toto and bearing in mind the teaching of D1, it is not apparent what technical contribution to the state of technology could be acknowledged nor is it possible to see what surprising technical effect has to be expected therefrom. Thus, no inventive step can be acknowledged under Article 33(3) PCT.

5). Independent method claim 31

Claim 31 is based on features corresponding to those of claim 1 and therefore calls *mutatis mutandis* for the same objections.

6). Dependent claims

The supplementary features of the dependent claims show programming preferences to be implemented according to the circumstances. It has to be noted that those features are merely defined by means of broad functional terms letting open any possible interpretation as to their concrete implementation by the skilled person. Nonetheless, those options are also covered by the passages of D1 cited

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2008/073599

in the Search Report and above. It is not apparent how -should they be combined with an independent claim- they would contribute to the resolution of a technical problem so that they are at least not inventive.